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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,524	08/01/2000	Darrell L. Metz	8266-0371	7337

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BOSE MCKINNEY & EVANS LLP
135 N PENNSYLVANIA ST
SUITE 2700
INDIANAPOLIS, IN 46204

EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,524

Applicant(s)

METZ ET AL.

Examiner

Korie H. Chan

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-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9, 38-41 and 88-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 7-9 and 38-41 is/are allowed.
- 6) ☒ Claim(s) 3, 4, 88-129 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 3, 4, 98-101, 106, and 113-129 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3, line 2, "a housing" lacks antecedent basis and should be - - said housing --. Claim 98, "the first angle" lacks antecedent basis. Claim 106, "a release" lacks antecedent basis and should be - - said release --. Claim 113, line 11, "first direction" should be -said first direction- -; and "an opposite second direction" should be - - said second direction opposite said first direction - -. Claim 120 is vague and indefinite in that it claims "a second direction" on line 10 without reciting a first direction in that claim. Claim 129 is vague and indefinite "the first position" and "the second position" are not defined and lacks antecedent basis. It appears claim 129 should have been dependent from claim 124 and is treated as such below.

Claim Rejections - 35 USC § 102

Claims 88-102 and 120 -129 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen (3,588,023). Cohen discloses support assembly comprising a telescoping assembly having an adjustment pole (18) with a hook (24, fig. 1), a base pole (16) receiving the adjustment pole, a locking member having a housing (30), a locking plate (50) with a continuous aperture for locking the adjustment pole 18, the

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locking plate biased into a lock position via (40) and could pivot to angles which is not 90 degrees, the housing has a groove (between 31 and 40) for pivotally receiving an end of the locking plate (51), a release (44) configured to slide in the housing wherein the lock member configured to pivot about a pivot axis between a first position, permitting movement in first and second directions, and a second position permitting movement in the second direction to elongate but blocking movement in the first direction of shortening the telescoping assembly, further, a lengthening force can be applied to the adjustment pole to lengthen the pole (Column 3), wherein regarding claim 88, the release is coupled to the lock member (see figure 3 wherein the release joins the lock member 50) such that in the first position, the release positions the lock member in the first position, and when in the second position, the release positions the lock member in the second position. Regarding claim 95, the release defining a circular wall (46) of the housing and the housing and the release define an interior region within which are located the lock member (50).

Claims 103-109 are rejected under 35 U.S.C. 102(b) as being anticipated by MacKnight (US patent no. re24,290). MacKnight discloses a telescoping assembly having an adjustment pole (37), a base pole (13) receiving the adjustment pole, a locking member having a housing (45), a locking plate (51) with a continuous aperture for locking the adjustment pole, the locking plate biased into a lock position via spring (57), the housing has a groove (between 53 and 55) for pivotally receiving an end of the locking plate (51), a release (61) having first position and second position and contacting the spring wherein the spring urge the release to the second position,

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wherein the release has a notch (the corner space of the L-shaped lower portion of release 59 constitute the notch) for hingely receiving an end of the lock plate (51); wherein the lock member configured to pivot about a pivot axis between a first position permitting movement and a second position blocking movement.

Claim Rejections - 35 USC § 103

Claims 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKnight (US patent no. re24,290). MacKnight discloses all the claimed features of applicant's invention. Further, MacKnight discloses a hook-like member (69, 71, 75, 77) attached to the adjustment pole (37). However, MacKnight does not disclose the various parts of the telescoping assembly is of corrosion resistant material. Toder'074 teaches a telescoping assembly with a base pole (22), and adjustment pole (21) made of corrosion resistant material being stainless steel and plastic material (col. 1, lines 14-15). It would have been obvious to one of ordinary skill in the art to make the various parts of MacKnight corrosion resistant material as taught by Toder'074 to prevent corrosion.

Claims 113-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (3,588,023) in view of Toder'074. Cohen discloses support assembly comprising a telescoping assembly having an adjustment pole (18) with a hook (24, fig. 1), a base pole (16) receiving the adjustment pole, a locking member having a housing (30), a locking plate (50) with a continuous aperture for locking the adjustment pole 18, the

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locking plate biased into a lock position via (40) and could pivot to angles which is not 90 degrees, the housing has a groove (between 31 and 40) for pivotally receiving an end of the locking plate (51), a release (44) configured to slide in the housing wherein the lock member configured to pivot about a pivot axis between a first position, permitting movement in first and second directions, and a second position permitting movement in the second direction to elongate but blocking movement in the first direction of shortening the telescoping assembly, further, a lengthening force can be applied to the adjustment pole to lengthen the pole (Column 3), wherein the release defining a circular wall (46) of the housing and the housing and the release define an interior region within which are located the lock member (50). Cohen does not disclose the various parts of the telescoping assembly is of corrosion resistant material. Toder'074 teaches a telescoping assembly with a base pole (22), and adjustment pole (21) made of corrosion resistant material being stainless steel and plastic material (col. 1, lines 14-15). It would have been obvious to one of ordinary skill in the art to make the various parts of Cohen corrosion resistant material as taught by Toder'074 to prevent corrosion.

Allowable Subject Matter

Claims 1, 2, 7-9, and 38-41 have been allowed.

Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

R sponse to Arguments

Applicant's arguments filed 7/14/2003 have been fully considered. Applicant has only presented arguments to claims 1-9 and 38-41. In response, examiner has indicated allowability of the independent claim 1 and consequently, the claims that depend therefrom. New claims 88-129 are rejected above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
October 31, 2003